

## ***What are Amusement Games?***

Amusement games are any electrical or mechanical apparatus for which payment is charged for use as a game or contest. Video games and pinball machines are considered amusement games. Vending machines, juke boxes, and pool tables are not considered amusement games. However, juke boxes and up to two pool tables are regulated as amusement games by the Police Department if they are coin operated.

Amusement game arcades are establishments which operate amusement games as a primary trade. Amusement game arcades either operate ten (10) or more amusement games; devote 15% of the net floor area to amusement games; or nine (9) or fewer amusement games as a primary use not in conjunction with other commercial uses.

### ***Are Amusement Games Regulated?***

Yes. Amusement games are regulated by the City of San Jose Municipal Code to avoid situations which would create a public or private nuisance. These regulations ensure that the use will not adversely affect the peace, health, safety, morals, or welfare of the community in which they are located.

### ***Do I need a permit to operate a business containing amusement games?***

Yes. Amusement game arcades, as defined above, require approval of a Conditional Use Permit (CUP) in the CP, CN and CG Commercial Districts. In addition to a CUP, a Police Regulatory Permit is also required.

Nine or fewer amusement games which are incidental to other commercial uses may be allowed after approval of a Police Department Regulatory Permit in the following Zoning Districts: CP, CN, CG and IP (which would be a "Commercial Support" use in the IP Industrial Zoning District and would be subject to specific location and size limitations in Section 20.50.110 in the City of San Jose Zoning Ordinance).

### ***How can I obtain a police department regulatory permit?***

Your Assessors Parcel Number (APN) is essential to processing any application with the City of San Jose. The APN may be obtained from the property owner's tax bill. It may also be obtained from the County Assessors Office located at 70 West Hedding Street, Fifth Floor, San Jose. Their phone number is (408) 299-5500.

After finding your APN, obtain a Regulatory Permit application and Conditions of Approval Form from the Business Tax Office of the City Treasury Division located on the 1st floor of City Hall. In addition, a Business Tax Registration form and tax payment will be required unless you have previously filed them.

Return the completed application, including the business owner's signature, to the Treasury Division. All applicable fees and taxes will then be collected and receipts issued. The Regulatory Permit Application fee must be renewed annually because permits expire on December 31 each year. Fees for Regulatory Permits are listed on the back of this brochure.

The Treasury Department will send the application to the Police Department who will conduct background and site checks. The Police Department will contact you after they process the application.

### ***Do I need a permit to have pool tables?***

Permits are not required for one or two pool tables if they are (1) incidental to permitted and conditional commercial uses, and (2) not coin operated. However, one or two coin-operated pool tables require a Regulatory Permit. Three or more pool tables are defined as "pool rooms" in the Zoning Ordinance. Pool rooms may only be located in the CP, CN and CG Commercial Districts after approval of a Conditional Use Permit. The Police Department will only issue permits for 25 pool rooms at one time in the City. You should consult them before making any financial commitments.

## ***Criteria for Approval of Amusement Games***

Certain criteria shall be met prior to attaining the correct regulatory permits. Criteria include compliance with various codes of the City of San Jose, placement and location of amusement games, and other criteria as follows:

- The business establishment for which the Regulatory Permit application is made must be in compliance with the zoning, building, and fire codes of the City of San Jose.
- An internal-net leasable area of 300 square feet, not including storage areas, must exist within the establishment for each amusement game proposed for approval. The amusement games may be separated from the rest of the business by walls, partitions, or closeable doors. However, if such separated area has independent outside access, it shall be treated as a separate establishment.
- No amusement game shall be located closer than twenty (20) feet from the location of any packaged alcoholic beverages.
- The amusement game operation will be conducted in such a manner that it will not create a public or private nuisance and not adversely affect the peace, health, safety, morals, or welfare of the community in which it is located.
- Neither the Regulatory Permit applicant nor any person holding any right, title, or interest in such business establishment, nor any principal manager thereof, shall have been convicted of a crime within the past three years which is substantially related to the qualifications, functions, or duties of the use of amusement games in a business establishment.



### *Associated Filing Fees*

Various fees are associated with the proper permits and licenses to legally allow amusement games. Depending on the ownership of the amusement games and the ownership status of the business where such games would be placed, certain permits and/or licenses may be required. Please contact the Planning Divisions and the Finance Department for the most current fee schedule(s).

Para mas informacion,  
por favor llame (408) 535-3555

For more information  
call (408) 535-3555



City of San Jose  
Planning, Building and Code Enforcement  
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# Amusement Games



City of San Jose  
Dept. of Planning, Building and Code Enforcement  
[www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)